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BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			PEACHES, RANDY			
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/921,127	KRAFT	
	<b>Examiner</b>	<b>Art Unit</b>	
	RANDY PEACHES	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 07 January 2008.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1 and 4-16 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1 and 4-16 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. ***Claims 1, 4-14 and 16*** are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al (U.S. Patent Number 5,953,541) in view of Walker (U.S. Patent Number 6,528,741 B2) in further view of Tsuji et al. (U.S. Patent Number 5,581,599).

Regarding ***claims 1 and 14***, King et al discloses in column 9 lines 10-15, a method comprising:

- receiving a user keystroke corresponding to pressing one of the data entry-keys (56), which reads on claimed "alpha-numeric keys", the pressing of the said data entry keys configured for selecting a character group comprising letters, numbers, and other symbols, hereinafter referenced as "characters", which reads on claimed "plurality of different characters". See columns 3, 9, 12 lines 20-25 lines 48-56 lines 5-25, respectively.
- a default, which is the first letter of the group of character from said character group is displayed upon detection of the keystroke. See column 9 lines 58-60.

- receiving user selection of a character to be inserted into text string. See column 4 lines 55-64)
- the user selects the appointed character to be inserted into the entered text. (See column 22 lines 30-44).

However, King does not disclose wherein the user presses one alphanumeric key on a wireless telephone in order to provide said keystroke for selecting a character group.

King also fails to disclose wherein a one of the alphanumeric keys become dedicated for scrolling.

Walker discloses in column 1 lines 8-14, 38-47, of a mobile telephone, which reads on claimed "wireless telephone", with a character selecting means for selecting characters for entry into the device. Walker further teaches in the Abstract and column 1 lines 55-67 and FIGURE 1, of a first key (3) used in conjunction with a second keys (2), used to scroll through characters step by step.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of King et al (U.S. Patent Number 5,953,541) to include Walker (U.S. Patent Number 6,528,741 B2) in order to allow a user to selectively input characters for a desired text string in a mobile telephone.

However, the combination of Walker and King fails to clearly state that the dedicated key is a scrolling key.

Tsuji et al. states in column 10 lines 33-45, wherein the key is a dedicated scroll key. See FIGURE 1.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of King et al (U.S. Patent Number 5,953,541) to include Walker (U.S. Patent Number 6,528,741 B2) to further include Tsuji et al. in order to allow a user to selectively input characters for a desired text string in a mobile telephone.

Regarding **claim 8**, as the above combination of King et al (U.S. Patent Number 5,953,541), Walker (U.S. Patent Number 6,528,741 B2) and Tsuji et al. (U.S. Patent Number 5,581,599) are made, the combination according to **claim 7**, wherein Walker further teaches in the Abstract and column 1 lines 55-67 and FIGURE 1, of a first key (3) used in conjunction with a second keys (2), used to scroll through characters step by step.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of King et al (U.S. Patent Number 5,953,541) to include Walker (U.S. Patent Number 6,528,741 B2) in order to allow a user to selectively input characters for a desired text string in a mobile telephone.

Regarding **claims 4 and 9**, as the above combination of King et al (U.S. Patent Number 5,953,541), Walker (U.S. Patent Number 6,528,741 B2) and Tsuji et al. (U.S. Patent Number 5,581,599) are made, the combination according to **claims 1 and 7**, wherein Walker further teaches in the in column 2 lines 32-47, where the user is able to utilize

the said first (3) and second key (2), with distinctive strokes utilizing both hands, to select desired characters containing the next character.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of King et al (U.S. Patent Number 5,953,541) to include Walker (U.S. Patent Number 6,528,741 B2) in order to allow a user to selectively input characters for a desired text string in a mobile telephone.

Regarding **claim 5**, King et al discloses in column 9 lines 10-15 text-editing terminal, comprising:

- a keypad (54) for entering a character, said keypad including a plurality of character entry alphanumeric keys having respective groups of different characters assigned to each of the plurality of alpha numeric keys. See column 8 lines 45-63
- a character from said character group is displayed upon detection of the keystroke. See column 9 lines 58-60.
- the user is allowed to scroll through the characters included in the character group for appointing the desired character, and (See column 4 lines 55-64)
- the user selects the appointed character to be inserted from the plurality of different characters into the entered text. (See column 22 lines 30-44).

However, King does not disclose wherein the user presses one alphanumeric key on a wireless telephone in order to provide said keystroke for selecting a character group.

King also fails to disclose wherein a one of the alphanumeric keys become dedicated for scrolling.

Walker discloses:

- a miniaturized keyboard/keypad, as taught in Walker FIGURE 1 column 1 lines 15-20, for entering characters into a text, said keypad has at least a plurality of character entry keys having respective groups of characters assigned. See Walker, FIGURE 1;
- a display (4) for displaying the entered text; See Walker, FIGURE 1 column 1 lines 56-57.
- a first key (3), which reads on claimed "scroll key", for appointing one of the characters in said respective groups of characters, and;
- selection means for selecting the appointed character to be inserted into the entered text. See Walker column 2 lines 26-31.
- Walker discloses in column 1 lines 8-14, 38-47, of a mobile telephone, which reads on claimed "wireless telephone", with a character selecting means for selecting characters for entry into the device. Walker further teaches in the Abstract and column 1 lines 55-67 and FIGURE 1, of a first key (3) used in conjunction with a second keys (2), used to scroll through characters step by step.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of King et al (U.S. Patent Number

5,953,541) to include Walker (U.S. Patent Number 6,528,741 B2) in order to allow a user to selectively input characters for a desired text string in a mobile telephone.

However, the combination of Walker and King fails to clearly state that the dedicated key is a scrolling key.

Tsuji et al. states in column 10 lines 33-45, wherein the key is a dedicated scroll key. See FIGURE 1.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of King et al (U.S. Patent Number 5,953,541) to include Walker (U.S. Patent Number 6,528,741 B2) to further include Tsuji et al. in order to allow a user to selectively input characters for a desired text string in a mobile telephone.

Regarding **claim 6**, as the above combination of King et al (U.S. Patent Number 5,953,541), Walker (U.S. Patent Number 6,528,741 B2) and Tsuji et al. (U.S. Patent Number 5,581,599) are made, the combination according to **claim 5**, further discloses in Walker's column 1 lines 8-14, of a mobile telephone having email functionality, which reads on claimed "text messaging application".

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of King et al (U.S. Patent Number 5,953,541) to include Walker (U.S. Patent Number 6,528,741 B2) in order to allow a user to selectively input characters for a desired text string in a mobile telephone to successfully transmit email messages.

Regarding **claim 7**, King et al discloses in column 9 lines 10-15 text-editing terminal, comprising:

- a processor (100)
- a memory configured to store computer readable instruction that, when executed by a said processor (100), cause the apparatus to perform a method comprising:
- receiving a user keystroke corresponding to pressing one of the data entry-keys (56), which reads on claimed "alpha-numeric keys", the pressing of the said data entry keys configured for selecting a character group comprising letters, numbers, and other symbols, hereinafter referenced as "characters", which reads on claimed "plurality of different characters". See columns 3, 9, 12 lines 20-25 lines 48-56 lines 5-25, respectively.
- a default, which is the first letter of the group of character from said character group is displayed upon detection of the keystroke. See column 9 lines 58-60.
- receiving user selection of a character to be inserted into text string. See column 4 lines 55-64)
- the user selects the appointed character to be inserted into the entered text. (See column 22 lines 30-44).

However, King does not disclose wherein the user presses one alphanumeric key on a wireless telephone in order to provide said keystroke for selecting a character group. King also fails to disclose wherein a one of the alphanumeric keys become dedicated for scrolling.

Walker discloses in column 1 lines 8-14, 38-47, of a mobile telephone, which reads on claimed "wireless telephone", with a character selecting means for selecting characters for entry into the device. Walker further teaches in the Abstract and column 1 lines 55-67 and FIGURE 1, of a first key (3) used in conjunction with a second keys (2), used to scroll through characters step by step.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of King et al (U.S. Patent Number 5,953,541) to include Walker (U.S. Patent Number 6,528,741 B2) in order to allow a user to selectively input characters for a desired text string in a mobile telephone.

However, the combination of Walker and King fails to clearly state that the dedicated key is a scrolling key.

Tsuji et al. states in column 10 lines 33-45, wherein the key is a dedicated scroll key. See FIGURE 1.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of King et al (U.S. Patent Number 5,953,541) to include Walker (U.S. Patent Number 6,528,741 B2) to further include Tsuji et al. in order to allow a user to selectively input characters for a desired text string in a mobile telephone.

Regarding **claim 10 and 12**, as the above combination of King et al, Walker and Tsuji et al. are made, the combination according to **claim 1**, wherein Walker teaches whereby

the apparatus is in column 1 lines 8-14, 38-47, of a mobile telephone with a text editing application. See King et al. column 9 lines 10-15

Regarding **claims 11 and 16**, as the above combination of King et al, Walker and Tsuji et al. are made, the combination according to **claims 1 and 14**, wherein King et al. discloses the editor mode is a mode within an operation of the disambiguating system, as taught by King in column 9 lines 48-60.

Regarding **claim 13**, as the above combination of King et al, Walker and Tsuji et al. are made, the combination according to **claim 5**, wherein Walker teaches whereby the apparatus is in column 1 lines 8-14, 38-47, of a mobile telephone with a text editing application. See King et al. column 9 lines 10-15.

2. **Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over King et al (U.S. Patent Number 5,953,541) in view of Walker (U.S. Patent Number 6,528,741 B2) in further view of Tsuji et al. (U.S. Patent Number 5,581,599) in view of Heie (U.S. Patent Number 6,473621).

Regarding **claim 15**, as the above combination of King et al, Walker and Tsuji et al. are made, the combination according to **claim 14**, fails to disclose wherein the user selection of character corresponds to activation of a space key.

Heie discloses in column 1 lines 54-58 wherein the character can be selected via a space key.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of King et al , Walker, Tsuji et al. to further include Heie in order to provide a system capable of selecting a character using the space key.

### ***Response to Arguments***

Applicant's arguments with respect to ***claims 1 and 4-16*** have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RANDY PEACHES whose telephone number is (571) 272-7914. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Randy Peaches/  
Examiner, Art Unit 2617

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/Charles N. Appiah/  
Supervisory Patent Examiner, Art Unit 2617